

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: USACE - Galveston Regulatory Branch

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Holderrieth Road from SH 249 to 1,200 feet West of Calvert Road UPIN: 15035MF0CX01

State: Texas County/parish/borough: Harris City: Tomball

Center coordinates of site (lat/long in degree decimal format): Lat. 30.065628 Long. -95.626301

Universal Transverse Mercator: 246821 E, 3328965 N Zone 15N

Name of nearest waterbody: Unnamed Tributary (RPW), Harris County Flood Control District Drainage Unit No. M125-00-00

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Spring Creek - Approximately 18.6 river miles downstream from the Project Site.

Name of watershed or HUC: Spring Watershed (HUC 12040102)

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Dates: 09/10/2015

☒ Field Determination. Date(s): 09/11/2015

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There Are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There Are "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

☐ TNWs, including territorial seas

☐ Wetlands adjacent to TNWs

☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

☐ Non-RPWs that flow directly or indirectly into TNWs

☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

☐ Impoundments of jurisdictional waters

☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: Area D (RPW) is 100.24 linear feet, 0.044 acre.

Wetlands: Area E (PEM wetland) is 0.053 acre

Total 0.097 ac

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known): Unknown

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

A. TNWs AND WETLANDS ADJACENT TO TNWs

1. **TNW**
Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: approximately 484,480 acres, HUC 12040102

Drainage area: approximately 1,827 acres

Average annual rainfall: 48.99 inches (Tomball, TX Station. Summary of Monthly Normals, 1981-2010. NOAA National Climatic Data Center)

Average annual snowfall: 0 inches (Tomball, TX Station. Summary of Monthly Normals, 1981-2010. NOAA National Climatic Data Center)

(ii) Physical Characteristics:

(a) Relationship with TNW:

- ☐ Tributary flows directly into TNW.
☒ Tributary flows through 2 tributaries before entering TNW.

Project waters are 18-19 river miles from TNW.

Project waters are 0.25 (or less) river miles from RPW.

Project waters are **12** aerial (straight) miles from TNW.

Project waters are 0.25 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: N/A. **Pick List.**

Identify flow route to TNW⁵: Water flows south into Willow Creek, an RPW (HCFCD Drainage Unit No. M100-00-00), and then continues southeast into Spring Creek. Spring Creek becomes a TNW north of the town of Spring, TX. **Pick List**

Tributary stream order, if known: **Pick List Unknown**

(b) General Tributary Characteristics (check all that apply):

Tributary is:

☐ Natural

☒ Artificial (man-made). Explain: Appears to have been excavated in early 2010 according to historic aerials.

☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: 19 feet (Area D)

Average depth: 1 foot (Area D)

Average side slopes: 3:1

Primary tributary substrate composition (check all that apply):

☒ Silts

☒ Sands

☐ Concrete

☐ Cobbles

☐ Gravel

☐ Muck

☐ Bedrock

☐ Vegetation. Type/% cover:

☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Engineered banks are stable and fully vegetated with herbaceous vegetation.

Presence of run/riffle/pool complexes. Explain: None observed

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): 2-3%

(c) Flow:

Tributary provides for: **Perennial Flow**

Estimate average number of flow events in review area/year: 1

Describe flow regime: Water was present in channel (avg depth ~14 inches) during site visit. Appears to hold water and/or have flowing water year-round except in drought years. The water table appears to be located above the stream bed for most of the year and groundwater appears to be the primary source for stream flow. Flow within the engineered trapezoidal channel has scoured and lowered the stream bed of the original engineered channel.

Other information on duration and volume: Drainage tributary was created to control/direct stormwater flow.

Surface flow is: **Discrete and Confined**. Characteristics: Floodplain is confined within the engineered channel. Overland flow enters the channel through numerous culverts. The surrounding area has been designed as a large stormwater detention basin complex. During flood events a concrete overflow structure (north of project area) directs excess water from the channel east into the detention basin complex.

Subsurface flow: **Likely groundwater influenced**. Explain findings: Groundwater influence is inferred based on the presence of an abutting PEM terrace wetland dominated by persistent OBL and FACW wetland herbaceous vegetation with a consistent high water table, as evident by the similar elevation of the PEM wetland and OHWM height of the abutting perennial RPW.

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☒ Bed and banks

☒ OHWM⁶ (check all indicators that apply):

☐ clear, natural line impressed on the bank

☐ changes in the character of soil

☒ shelving

☐ vegetation matted down, bent, or absent

☐ leaf litter disturbed or washed away

☐ sediment deposition

☐ water staining

☐ the presence of litter and debris

☐ destruction of terrestrial vegetation

☐ the presence of wrack line

☐ sediment sorting

☒ scour

☐ multiple observed or predicted flow events

☒ abrupt change in plant community

⁵Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows over a rock outcrop or through a culvert). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

- ☐ other (list):
☐ Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- ☐ High Tide Line indicated by:
☐ oil or scum line along shore objects
☐ fine shell or debris deposits (foreshore)
☐ physical markings/characteristics
☐ tidal gauges
☐ other (list):
- ☐ Mean High Water Mark indicated by:
☐ survey to available datum;
☐ physical markings;
☐ vegetation lines/changes in vegetation types.

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: Water in channel was clear and at the OHWM depth during the site visit.
 Identify specific pollutants, if known:

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
☒ Wetland fringe. Characteristics: PEM fringe 1-3 feet wide; dominated by Mexican primrose-willow (*Ludwigia octovalvis*).
☒ Habitat for:
☐ Federally Listed species. Explain findings:
☒ Fish/spawn areas. Explain findings: Although no fish were observed during the site visit, suitable habitat for warm-water fish species was present.
☐ Other environmentally-sensitive species. Explain findings:
☒ Aquatic/wildlife diversity. Explain findings: One water moccasin (*Agkistrodon piscivorus*) was observed during the site visit. Area also supports suitable habitat for breeding and foraging amphibians and foraging shorebirds, waterfowl, and other migratory songbirds.

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: 0.053 acre (Area E)

Wetland type. Explain: Area E is a palustrine emergent wetland with persistent vegetation (PEM1)

Wetland quality. Explain: Area E is considered moderate in quality due to its ability to buffer a perennial stream from pollutants and thus improve water quality, recharge groundwater systems, stabilize shoreline soils, and support habitat for a variety of wildlife species.

Project wetlands cross or serve as state boundaries. Explain: N/A.

(b) General Flow Relationship with Non-TNW:

Flow is **Overland sheet flow and Subsurface flow** Explain: Area E directly abuts Area D. Both Overland sheet flow and Subsurface flow connect Area E and Area D.

Surface flow is: **Overland sheet flow**

Characteristics: Overland sheet flow connection will be present between Area D (RPW) and Area E (PEM) during high flow.

Subsurface flow: **Likely groundwater influenced.** Explain findings: Based on the presence of persistent OBL and FACW wetland herbaceous vegetation in the PEM wetland with a consistent high water table, as evident by the similar elevation of the PEM wetland and OHWM height of the abutting perennial RPW, this PEM is likely supported by groundwater.

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☒ Directly abutting- abuts an RPW
☐ Not directly abutting
☐ Discrete wetland hydrologic connection. Explain:
☐ Ecological connection. Explain:
☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **18-19** river miles from TNW.

Project waters are **1 (or less)** aerial (straight) miles from TNW.

Flow is from: **Wetland to RPW to Traditionally Navigable Water**

Estimate approximate location of wetland as within the 50-100 year floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Water was clear; no obvious chemical contamination was observed. Identify specific pollutants, if known: NA

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☒ Vegetation type/percent cover. Explain: Area E was dominated by hydrophytic herbaceous vegetation.
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☒ Aquatic/wildlife diversity. Explain findings: Wetland has habitat use potential for amphibians and reptiles and shorebirds and migratory songbirds.

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: 1

For each wetland, specify the following:

| <u>Wetland</u> | <u>Directly abuts? (Y/N)</u> | <u>Size (in acres)</u> |
|----------------|------------------------------|------------------------|
| Area E | Y | 0.053 ac |

Summarize overall biological, chemical and physical functions being performed: Area E, a palustrine emergent wetland, functions to filter pollutants, trap sediments, stabilize stream banks, and intercept sheet flow from uplands prior to water entering abutting RPW (Area D) and continuing downstream to the TNW. Biologically, it also has potential to provide habitat for wetland dependent species of wildlife.

C. **SIGNIFICANT NEXUS DETERMINATION**

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

- 3.4. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

☐ TNWs: linear feet width (ft), Or, acres.
☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Water was present in channel (avg depth ~14 inches) during site visit. Appears to hold water and/or have flowing water year-round except in drought years. The water table appears to be located above the stream bed for most of the year and groundwater appears to be the primary source for stream flow. Flow within the engineered trapezoidal channel has scoured and lowered the stream bed of the original engineered channel.

☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

☒ Tributary waters: 100.24 linear feet 19 width (ft)
☐ Other non-wetland waters: acres
Identify type(s) of waters:

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters:

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

☒ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: Area E is 0.053 acre

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area:

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

☐ Demonstrate that impoundment was created from "waters of the U.S.," or

☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: _____
☐ Other factors. Explain: _____

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: _____
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: _____
☐ Other: (explain, if not covered above): Explanation is provided in Section IIB.2.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/wetlands: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: _____
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/wetlands: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: _____
☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Crouch Environmental Services, Inc.
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps:
☐ Corps navigable waters' study:
☒ U.S. Geological Survey Hydrologic Atlas: Spring Watershed (HUC 12040102).
☒ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: _____

Historical USGS Topographic Maps

| Date | Scale | Quadrangle Names |
|------|-------------|-----------------------------------|
| 1916 | 1" = 1,040' | 7.5' Tomball and Rose Hill, Texas |
| 1920 | 1" = 1,040' | 7.5' Tomball and Rose Hill, Texas |

Memorandum Prior to asserting on declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA for review, consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following

Rapanos.

Footnote # 3.

For complete the analysis refer to the key

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Table 1. Features Delineated on the Project Site

| Area ID | Type | Approximate Area (acres) | Length (feet) | Latitude | Longitude | UTM Zone 15N | |
|---------|---------|-----------------------------|------------------|-----------|------------|----------------------|---------------------|
| | | | | | | Northing (meters) | Easting (meters) |
| Area D | PJD-RPW | 0.044 | 100.24 | 30.065531 | -95.63750 | 3328979 | 245741 |
| Area E | PJD-PEM | 0.053 | NA | 30.065549 | -95.630720 | 3328966 | 246395 |

PEM= Palustrine Emergent Wetland
 RPW= Relatively Permanent Water
 PJD= Potentially Jurisdictional